

AMENDED IN SENATE JUNE 22, 2000

AMENDED IN ASSEMBLY MAY 16, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2053

**Introduced by Assembly Member Wesson
(Coauthors: Assembly Members Alquist, Cardenas, Kuehl,
Romero, and Washington)**

February 22, 2000

An act to amend Section 417.2 of the Penal Code, relating to imitation firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2053, as amended, Wesson. Imitation firearms.

Under existing law, any person who, except as specified, sells, manufactures, ships, transports, distributes, or receives an imitation firearm, as defined, is liable for a civil fine of not more than \$10,000 for each violation. Existing law also describes certain devices, among which is a firearm containing markings provided in a specified provision of federal law, that are not included in the definition of "imitation firearm."

This bill instead would provide that in order to be a violation, the ~~transportation of above-described activities involving~~ the imitation firearm would have to be for commercial purposes. The bill would also ~~narrow the range of permitted markings~~ provide that an imitation firearm where the coloration of the entire exterior surface of the device is

bright orange or bright green, either singly or in combination, would not be subject to the above-described prohibitions.

This bill would also provide that any person who purchases, sells, manufacturers, ships, transports, distributes, or receives, by mail order or in any other manner, a firearm, where the coloration of the entire exterior surface of the firearm is bright orange or bright green, as specified, is liable for a civil fine of not more than \$10,000.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 417.2 of the Penal Code is
2 amended to read:

3 417.2. (a) ~~Commencing January 1, 1989, any~~ (1) Any
4 person who, *for commercial purposes*, purchases, sells,
5 manufactures, ships, transports ~~for commercial purposes~~,
6 distributes, or receives, by mail order or in any other
7 manner, an imitation firearm except as permitted by this
8 section shall be liable for a civil fine in an action brought
9 by the city attorney of the city or the district attorney of
10 the county of not more than ten thousand dollars
11 (\$10,000) for each violation.

12 (2) *Any person who purchases, sells, manufacturers,*
13 *ships, transports, distributes, or receives, by mail order or*
14 *in any other manner, a firearm, where the coloration of*
15 *the entire exterior surface of the firearm is bright orange*
16 *or bright green, either singly, in combination, or as the*
17 *predominant color in combination with other colors in*
18 *any pattern, is liable for a civil fine in an action brought*
19 *by the city attorney of the city or the district attorney for*
20 *the county of not more than ten thousand dollars*
21 *(\$10,000) for each violation.*

22 (b) The manufacture, purchase, sale, shipping,
23 transport, distribution, or receipt, by mail or in any other
24 manner, of imitation firearms is permitted if the device
25 is manufactured, purchased, sold, shipped, transported,
26 distributed, or received for any of the following purposes:



1 (1) Solely for export in interstate or foreign
2 commerce.

3 (2) Solely for lawful use in theatrical productions,
4 including motion picture, television, and stage
5 productions.

6 (3) For use in a certified or regulated athletic event or
7 competition.

8 (4) For use in military or civil defense activities.

9 (5) For public displays authorized by public or private
10 schools.

11 (c) As used in this section, “imitation firearm” means
12 a replica of a firearm that is so substantially similar in
13 physical properties to an existing firearm as to lead a
14 reasonable person to conclude that the replica is a
15 firearm.

16 (d) As used in this section, “imitation firearm” does
17 not include any of the following:

18 (1) A nonfiring collector’s replica of an antique
19 firearm that was designed prior to 1898, is historically
20 significant, and is offered for sale in conjunction with a
21 wall plaque or presentation case.

22 (2) A nonfiring collector’s replica of a firearm that was
23 designed after 1898, is historically significant, was issued
24 as a commemorative by a nonprofit organization, and is
25 offered for sale in conjunction with a wall plaque or
26 presentation case.

27 (3) A device, as defined in subdivision (g) of Section
28 12001.

29 ~~(4) A firearm that contains, or has affixed to it, a~~
30 ~~marking approved by the Secretary of Commerce, as~~
31 ~~provided in subsections (c) and (d) of Section 1150.3 of~~
32 ~~Title 15 of the Code of Federal Regulations as in effect on~~
33 ~~January 1, 2000.~~

34 *(4) An imitation firearm where the coloration of the*
35 *entire exterior surface of the device is bright orange or*
36 *bright green, either singly or in combination.*



- 1 (5) An instrument that expels a metallic projectile,
- 2 such as a BB or pellet, through the force of air pressure,
- 3 CO₂ pressure, or spring action, or a spot marker gun.

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